Notice of Allowability	Application No.	Applicant(s)	
	10/607,180	FAUCHER ET AL.	
	Examiner	Art Unit	
	Jaime M. Holliday	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *amendment filed October 26, 2006*.

2. ☒ The allowed claim(s) is/are *1-24,26 and 27*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All b) ☐ Some* c) ☐ None of the:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Response to Amendment

Response to Arguments

1. Applicant's arguments, see REMARKS, filed October 26, 2006, with respect to claims 1-24, 26 and 27 have been fully considered and are persuasive. The 35 U.S.C. 103 rejection of claims 1-24 and 26 has been withdrawn.

Allowable Subject Matter

2. **Claims 1-24, 26 and 27** are allowed, and have been renumbered 1, 2, 4, 3, 9, 10, 5, 6, 8, 7, 14, 15, 17, 16, 18-21, 23, 22, 24, 25 and 11-14, respectively.

3. The following is an examiner's statement of reasons for allowance:

Consider **claim 1**, the most relevant prior art of record, Menard (Pub # U.S. 2003/0001743 A1) in view of Oxley (U.S. Patent # 6,671,350 B1), fail to specifically show, disclose, or suggest that if a personal device does not receive a signal from the cell phone of a bystander, it automatically signals other telephones within the area.

Menard clearly shows and discloses a personal device **100** (emergency device) carried on the person of the victim **V**. The victim undergoes some sort of cardiac problem, that causes the personal device to attempt to establish communication with a caregiver, and while this is going on, a bystander **B** attempts to give aid to the victim. The bystander is carrying on his person a personal wireless device **600**, for example, a cell phone (mobile telephone). When the personal device attempts to establish

communication, it sets up communication with the personal wireless device by local area wireless **330**, for example. Next, the personal device may request the personal wireless device to establish a connection to the dispatcher or medical caregiver **D**, using network based communications **360**. Using network based communications, the personal wireless device establishes a connection to the computer of the dispatcher or medical caregiver, reading on the claimed "system for contacting help comprising: an emergency device carried on the person of a user, said emergency device having a wireless sending unit activated by an activation unit; a mobile telephone having a wireless receiving unit adapted to receive signals from said wireless sending unit, said mobile telephone being adapted for communicating with a telephone network to call an emergency number; in which said emergency device sends a signal to said mobile telephone in response to the activation of said wireless sending unit; and said mobile telephone calls said emergency number in response to said signal," (paragraphs 98-100).

Oxley clearly shows and discloses a system for the provision of emergency information on a real time basis. A distressed subscriber uses a wireless communication device (WCD) (emergency device) to place an emergency call. The WCD has a standard housing and number pad for establishing wireless connections. An emergency activation button allows the user, in touch of a single button, to turn the device on, dial an emergency number and convey decodable and aural signals. The communication device also has means to protect against accidental activation, reading on the claimed "system for contacting help comprising: an emergency device carried on

the person of a user, said emergency device having a wireless sending unit activated by an activation unit, wherein the emergency device is formed as to prevent accidental activation," (col. 2 lines 62-63, col. 6 lines 50-51, col. 8 lines 46-50, col. 9 lines 21-23).

Menard in view of Oxley, however, lack the claimed feature of wherein if the emergency device does not receive a response from the mobile phone, the emergency device then automatically signals other phones within a distinctive signal pattern, therefore this limitation, in conjunction with the other limitations recited in claim 1, is novel and unobvious in view of the combination of Menard and Oxley.

Consider **claim 11**, the most relevant prior art of record, Menard (Pub # U.S. 2003/0001743 A1) in view of Timbel (U.S. Patent # 5,971921), fail to specifically show, disclose, or suggest that if a personal device does not receive a signal from the cell phone of a bystander, it automatically signals other telephones within the area.

Menard clearly shows and discloses a personal device **100** (emergency device) carried on the person of the victim **V**. The victim undergoes some sort of cardiac problem, that causes the personal device to attempt to establish communication with a caregiver, and while this is going on, a bystander **B** attempts to give aid to the victim. The bystander is carrying on his person a personal wireless device **600**, for example, a cell phone (mobile telephone). When the personal device attempts to establish communication, it sets up communication with the personal wireless device by local area wireless **330**, for example. Next, the personal device may request the personal wireless device to establish a connection to the dispatcher or medical caregiver **D**, using network based communications **360**. Using network based communications, the

personal wireless device establishes a connection to the computer of the dispatcher or medical caregiver, reading on the claimed "apparatus for contacting help comprising: an emergency device carried on the person of a user, said emergency device having a wireless sending unit activated by an activation unit; a mobile telephone having a wireless receiving unit adapted to receive signals from said wireless sending unit, said mobile telephone being adapted for communicating with a telephone network to call an emergency number; in which said emergency device sends a signal to said mobile telephone in response to the activation of said wireless sending unit; and said mobile telephone calls said emergency number in response to said signal," (paragraphs 98-100).

Timbel clearly shows and discloses an alarm system for a user needing medical assistance that comprises a portable transmitter (emergency device) having a hand actuated actuator. When the user operates the transmitter it sends a wireless signal to the receiver/caller unit, which in turn, dials a telephone number of the monitoring center and establishes digital communication. An operator located in the monitoring center notes the alarm on a computer screen and attempts to establish two-way voice communication. If voice communication can be established between the user and the monitoring center, an appropriate response may be discussed. However, if voice communication cannot be established within a predetermined time period, the operator at the monitoring center will follow protocol procedures to call for local medical assistance, reading on the claimed "apparatus for contacting help comprising: an emergency device carried on the person of a user, said emergency device having a

wireless sending unit activated by an activation unit; if an operator at the emergency number answers by voice and then does not receive a voice response in reply, the signal from the medical devices is interpreted as a medical emergency," (col. 2 lines 27-30, col. 3 lines 47-65).

Menard in view of Timbel, however, lack the claimed feature of wherein if the emergency device does not receive a response from the mobile phone, the emergency device then automatically signals other phones within a distinctive signal pattern, therefore this limitation, in conjunction with the other limitations recited in claim 1, is novel and unobvious in view of the combination of Menard and Timbel.

Consider **claim 17**, the most relevant prior art of record, Menard (Pub # U.S. 2003/0001743 A1) in view of Hunter et al. (Pub # U.S. 2003/0069002 A1), fail to specifically show, disclose, or suggest that if a personal device does not receive a signal from the cell phone of a bystander, it automatically signals other telephones within the area.

Menard clearly shows and discloses a personal device **100** (emergency device) carried on the person of the victim **V**. The victim undergoes some sort of cardiac problem, that causes the personal device to attempt to establish communication with a caregiver, and while this is going on, a bystander **B** attempts to give aid to the victim. The bystander is carrying on his person a personal wireless device **600**, for example, a cell phone (mobile telephone). When the personal device attempts to establish communication, it sets up communication with the personal wireless device by local area wireless **330**, for example. Next, the personal device may request the personal

wireless device to establish a connection to the dispatcher or medical caregiver **D**, using network based communications **360**. Using network based communications, the personal wireless device establishes a connection to the computer of the dispatcher or medical caregiver, reading on the claimed "article of manufacture comprising a program storage medium readable by a computing device in a mobile telephone handset, the medium embodying instructions executable by the computing device for performing method steps comprising: receiving signals from a wireless sending unit carried on the person of a user, said mobile telephone being adapted for communicating with a telephone network to call an emergency number; in which said emergency device sends a signal to said mobile telephone in response to the activation of said wireless sending unit; and said mobile telephone calls said emergency number in response to said signal," (paragraphs 98-100).

Hunter et al. clearly show and disclose a method for disseminating emergency notification content from an emergency originating source. The method comprising: delivering the emergency notification content from the emergency originating source (emergency device) to at least one transmitting party; selecting a subset of users from among a set of users for dissemination of the emergency notification content based on the subject matter of the emergency notification content; and delivering the emergency notification content from the at least one transmitting party to a device corresponding to each user from the selected subset of users (abstract). A device is provided for displaying emergency notification content to a corresponding user. The device comprises: a receiver for receiving the emergency notification content from a remote

location; and a display for displaying the emergency notification content to the corresponding user; wherein the device is other than a radio or television. Preferably, the device is selected from a group consisting of a set top box, a computer, a video cassette player, a DVD player, a CD player, a WebTV device, a video game player, a video game controller, a pager, a cellular phone (mobile telephone), and a personal digital assistant. Preferably, the device further comprises a GPS transmitter for transmitting a GPS location of the device to the remote location. Preferably, the device further comprises means for automatically turning on the device to display the emergency notification content when the device is determined to be off, reading on the claimed "wireless sending unit is capable of turning on the mobile telephone," (paragraph 29).

Menard in view of Hunter, however, lack the claimed feature of wherein if the emergency device does not receive a response from the mobile phone, the emergency device then automatically signals other phones within a distinctive signal pattern, therefore this limitation, in conjunction with the other limitations recited in claim 1, is novel and unobvious in view of the combination of Menard and Hunter.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaime M. Holliday whose telephone number is (571) 272-8618. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jaime Holliday
Patent Examiner

JOSEPH FEILD
SUPERVISORY PATENT EXAMINER